## IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA

CHRISTOPHER BERRY,

Petitioner,

.

v. : CIVIL ACTION NO. 14-3130

:

KEVIN KAUFFMAN, et al.,

Respondents.

## **ORDER**

**AND NOW,** this 23rd day of September 2016, upon careful and independent consideration of the Petition for Writ of Habeas Corpus, and all related filings, and upon review of the Report and Recommendation of United States Magistrate Judge Elizabeth T. Hey and the objections thereto, it is hereby **ORDERED** that:

- 1. The Objections are **OVERRULED**;
- 2. The Report and Recommendation is **APPROVED** and **ADOPTED**;
- 3. The Petition for Writ of Habeas Corpus is **DISMISSED WITHOUT PREJUDICE** to Petitioner's seeking permission from the Third Circuit Court of Appeals to file a successive habeas petition;
- 4. There is no probable cause to issue a certificate of appealability; and
- 5. The Clerk is directed to **CLOSE** the case.

It is so **ORDERED**.

**BY THE COURT:** 

/s/ Cynthia M. Rufe

CYNTHIA M. RUFE, J.